

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RON and SHIRLEY GIPSON, a married
couple,

Plaintiffs,

v.

SNOHOMISH COUNTY,

Defendant.

CASE NO. C18-0196-JCC

ORDER

This matter comes before the Court on Defendant's motion to stay (Dkt. No. 14). Having thoroughly considered the parties' briefing and the relevant record, the Court GRANTS the motion for the reasons explained herein.

Defendant Snohomish County ("County") moves to stay this matter pursuant to the *Colorado River* doctrine. (Dkt. No. 14 at 5) (citing *Colorado River Water Conservation Dist. v. U.S.*, 424 U.S. 800, 817 (1976)). Under the doctrine, when actions arising out of the same transactional nucleus of facts would otherwise concurrently proceed in federal and state courts, the federal court may stay the matter until the state court proceeding is resolved. *Holder v. Holder*, 305 F.3d 854, 867 (9th Cir. 2002).

On December 8, 2017 Plaintiffs filed a complaint in Snohomish County Superior Court under Cause No. 17-2-11808-31, naming as Defendants certain County employees and

1 contractors. (Dkt. No. 15-5.) On January 19, 2018, Plaintiffs filed a similar complaint in King
2 County Superior Court, naming the County as the sole Defendant. (Dkt. No. 1-1). The County
3 then removed the matter to this Court. (Dkt. No. 3.) Both complaints allege ostensibly the same
4 facts: Plaintiff was wrongfully disciplined by the County based on unfounded allegations by the
5 employees named in the first suit. (*Compare* Dkt. No. 1-1, *with* Dkt. No. 15-5.)

6 Normally, the Court would consider a number of factors to determine whether the
7 *Colorado River* doctrine should apply. *See Holder*, 305 F.3d at 868–70. Such analysis is not
8 required here. First, Plaintiffs do not oppose the motion. (Dkt. No. 17 at 1.) Second, Plaintiffs
9 have moved to amend their Snohomish County Superior Court complaint to add Snohomish
10 County as a party. (*Id.* at 1–2.) Third, Plaintiffs’ failure to meaningfully respond to the County’s
11 *Colorado River* argument concedes that the County’s argument has merit. (*See generally* Dkt.
12 No. 17.)

13 Accordingly, the Court GRANTS Snohomish County’s motion (Dkt. No. 14). This
14 matter is STAYED pending resolution of Snohomish County Superior Court Cause No. 17-2-
15 11808-31. The Clerk is DIRECTED to statistically close this case. Plaintiffs are INSTRUCTED
16 to notify the Court of the status of the state court action at 180 day intervals.

17 DATED this 4th day of June 2018.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE